



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/570,941	03/08/2006	Andrew Timothy Patten	35010/151US	8986
32827	7590	02/10/2009	EXAMINER	
THE OLLILA LAW GROUP LLC 2060 BROADWAY SUITE 300 BOULDER, CO 80302			RAEVIS, ROBERT R	
			ART UNIT	PAPER NUMBER
			2856	
			MAIL DATE	DELIVERY MODE
			02/10/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10570941	3/8/2006	PATTEN ET AL.	35010/151US

EXAMINER

Robert R. Raevis

ART UNIT PAPER

2856 20090205

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

NONRESPONSIVE

The response filed 8-18-08 has been received, but is non-responsive.

As to the last two paragraphs of p. 16 of the REMARKS, consider the following:

Originally filed independent claim 14 is limited to a software product (i.e. article) for a Coriolis flowmeter as evidenced claim 14 expressly (i.e. "by said Coriolis flowmeter", lines 7-8, claim 14(original); and "calibration factor of said Coriolis flowmeter", line 2 from bottom of claim 14(original)) stating such. It is not a coincidence that the Office action of 2-5-08 employed a reference (i.e. Ruesch) against claim 14 that taught a software program to provide for correction of a Coriolis meter. In addition, originally filed independent claim 1 is a method claim, whose body limits the claim to include the step of defining a reference density "of *said* material flow" (italics added, lines 4-5 of claim 1(original)). When one refers back in the claim to what the "said material flow" might be, one must refer to the preamble, which preamble states that the "material flow" (line 2 of claim 1(original)) is that of a "Coriolis flowmeter".

The originally filed claims are limited to the Coriolis flowmeter art. It was those claims that were examined. The amended claims 1 and 14 filed 5-2-08 unmistakably strikeout (specifically, delete) all references to Coriolis flowmeter by

deleting that very phrase, and also further narrow those very claims, necessitating examination of a different field of endeavor (calibration of densimeters). The original claims are directed to the combination (ABbr; the "A" representative of the "Coriolis flowmeter" limitation), and the amended claims are directed to a patentably distinct subcombination (Bsp). Applicant is permitted an examination and re-examination; not an examination (of one invention) and examination (of a different invention).

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

/Robert R. Raevs/

Primary Examiner, Art Unit 2856